

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

PATRICIA BURKETT, Administratrix of the
Estate of JEREMY BURKETT, deceased,

Plaintiff,

V.

TIMOTHY EUGENE McCRAY and
S. E. LUMBER COMPANY,

Defendants.

1:06-CV-00775-DRB

ORDER

The *Consent Motion and Agreement for Dismissal of Uninsured Motorist Insurance Carrier Without Prejudice* filed November 30, 2006 (Doc. 31) is submitted by *Timothy Eugene McCray*, a named Defendant in the original complaint and a Third Party Plaintiff in the submitted pleading, and *Southern General Insurance Company*, a Third Party Defendant. Two deficiencies must be remedied before this court can act on the *Consent Motion*.

1. While the docket reflects the consent of Third Party Plaintiff McCray to the Magistrate Judge's jurisdiction in this action, it does not include similar authorization from this Third Party Defendant. Indeed, because no counsel has appeared from this party, the Clerk has not transmitted the following *Notice of Assignment to Magistrate Judge* mailed to all other counsel of record.

In accordance with 28 U.S.C. § 636(c), the Magistrate Judges of this court are designated to conduct any and all proceedings in a jury or nonjury civil case and order the entry of final judgment upon the consent of all parties to a case. Any appeal from a judgment entered by a Magistrate Judge is taken directly to the United States Court of Appeals for the Eleventh Circuit in the same manner as any appeal from any judgment entered in this court.

Any party to this lawsuit has the right to consent or decline consent to the jurisdiction of a Magistrate Judge. To exercise your right to consent you should complete the consent form and return it to the Clerk of the Court as indicated in the court's order. Litigants, without concern for any adverse consequences, freely may decline consent to the jurisdiction of a Magistrate Judge. If you decline consent to the jurisdiction of a Magistrate Judge, this case will be reassigned randomly to a District Judge.

2. The *Motion and Agreement* lack execution by Southern General Insurance Company.

Accordingly, it is **ORDERED** as follows:

a. Counsel for *Southern General Insurance Company* shall file not later than December 8, 2006, a Notice of Appearance along with either an executed Consent or Request for Reassignment, using the forms included with this Order.

b. Counsel for *Central Mutual Insurance Company*, another Third Party Defendant, shall file by December 8, 2006, its response to the Notice of Assignment to Magistrate Judge mailed by the Clerk on November 27, 2006.

c. The parties to the *Consent Motion and Agreement* shall file by December 8, 2006, a fully executed pleading in lieu of their partially executed submission. (Doc 31).

Done this 1st day of December, 2006.

/s/ Delores R. Boyd

DELORES R. BOYD
UNITED STATES MAGISTRATE JUDGE

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CONSENT TO JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of Title 28, U.S.C. § 636(c), the undersigned party or parties to the above-captioned civil matter who previously have indicated their consent to the jurisdiction of a Magistrate Judge of this Court, hereby confirm in writing their consent to a United States Magistrate Judge conducting any and all further proceedings in the case, including trial, and ordering the entry of a final judgment.

DATE _____

SIGNATURE

COUNSEL FOR (print name of all parties)

ADDRESS, CITY, STATE, ZIP CODE

TELEPHONE NUMBER

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**REQUEST FOR REASSIGNMENT OF CASE
TO A UNITED STATES DISTRICT JUDGE**

The undersigned party has read the Notice of Assignment To United States Magistrate Judge and hereby declines to consent to the Magistrate Judge's exercise of civil jurisdiction in this case. The undersigned party requests reassignment of this case to a United States District Judge. **The party understands that this request may not be revoked.**

Signed this ____ day of _____, _____.

Signature

Counsel For

Address

City, State Zip Code

(Area Code) Telephone Number